P. F. 61 of 93

G. R. S IX-5]

Previous references. 1892-93

192

(L. R.)

File No 134 of 92

Serial Nos 1-5

Later references.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-5

Major ~~Part~~ B for November 1893

SUBJECT.

Appeal of Fernandes & Velankar, Kumtha Talak, Regarding his claim to Shanbhogi

---

D 2252—GPB—20,000—1-6-20

OS No 3192 of 1892-93

Appt
Govinda
Shanbhog
of Inam
Village
Gajakkare
Tumkur Taluq
represented
by Mr Venkataramch
Advocate

Respt
1 Srinivasachary
2 Obiah
represented
by Mr S
Narasimhayya
Advocate

Petitioner brought a suit before the Amildar against Rr 1st Respt the Servant of the Village, & 2d Respt the Ryot of the Village for the Mera due to him the 1st Respt denied the liability, & the 2d Respt stated that under the Terms of Contract he never paid the Mera, & that if any is due, the 1st Respt is responsible under an agreement executed by him The Amildar being satisfied that the Mera was due adjudged it in Rr 471- & ordered it to be paid to by the 2d Respt Upon this the Dy Comr cancelled the decision on

the ground, not that A Incan was not due ~~on the ground~~ that Sec 4 of the Land Revenue Rules is not explicit as to who should pay the mera, whether the Zamindar or the Ryot The appeal is against the order According to the established usage of the country, the mera is payable by the person who cultivates the land, the theory being that it is payable from the grain produce before the crop is divided between the Landlord & tenant The Ryots of the Dy Collr will be requested to carry it from the Dy Recpt under Sec 193 of the Land Revenue Code, if he is satisfied that the mera claimed is due If he is not satisfied that the mera is not due, he is at liberty to reverse or modify the decision of the Amildar on that ground, subject of course to our appeal

Dy

3

under any agreement between
the 1st & 2d Respts, the 1st is liable
to pay the sum to 2d or at liberty
to recover it from him, —

1/11/93

Ref'd in reference to R Dy Com'r
in whom orders herein dated
issued

4

Petition No 3,92 filed 73.

Petitioner
Gerardus
Stuurling
Effelsberg
Lieutenant

vs

Respondent Petitioner
Privateersman
Service of Belligerent
2. Petition against
Effelsberg

The Petitioner sets forth that he was duly sworn as Master of the Privateer Belligerent that the Privateer, Ingrid by each Agent in, as amended by the Petition in 1873, was duly sworn, and 3 Voyages of Privateering to the Possession of the Port in 2 Voyages of the Land in Sardinia, that the Petitioner in 1873 signed by the Petitioner duly the Articles of Shipping and Discharge in Service of the said Privateer & he paid, and that he was duly appointed of the Examination

In Dec 1873 the Petitioner appeared & the Commissioner that the Petitioner & Respondent that not been, but it appeared that it might be ordered & the Petitioner to give Notice to Respondent that he should on the first Monday in the Month of the Petitioner and that if the Petitioner

failed to pay it to him, the Government acted caused the Chief Commissioner to write the letter dated 8th January 1878.

8-21
Rev 38

In May, 1891 the Petitioner caused the Crown agent Sarsfield that the Crown had failed to cause the Monuments to be placed to the Boundary referred to more than once. The Crown referred the matter to the Surveyor-General with the request that "this case to be taken up for Section 10 of the Revenue Rules". That officer stated that the Monuments had not to be found in the case as it had been for several years the concern of the Province and advised the Petitioner of the Crown's abandonment and he advised the Petitioner to a suit against the Crown that failed to pay.

The Petitioner accordingly filed a suit before the Exchequer against the Crown & Exchequer, Crown Counsel the Petitioner Plaintiff that the Crown had never before been sued and that the claim was

appeared learned, but the
Appellant did not appear
of a date fixed (16-8-85)
and the Admission of the
petitioner later was contested
was contended. The Court
was not prepared to hear
the Appellant and there was
a contract between the
Land the Appellant should be
responsible for the loss of the
Paid a Kandayam & that the
Appellant need not pay it. Therefore
for the Appellant gave a decree
against the Appellant as the
prayed that in the case of
a Kandayam land worked
but the Appellant should be bound
to pay the Rent. The decree
directed that the Appellant (2nd
Counter Petitioner) should pay
the Petitioner the Rent of Rs
and one fanam for the land
per annum and that in
default the same be recovered
as a revenue arrear under
the provisions of Govt Order
No $\frac{87}{38}$ dated 11th January 1875

The Appellant then appealed
to the Sub Court & the
contended that there was no
law in force in the case
of Irrigation tanks the Civil
Officer of Water Rights

for carrying [illegible] & the fund to [illegible] & Monday and that Rule 11 of the Revenue Rule, provides that the Secretary shall for the preparation of those pieces in Main Village get there was no, rule & then who is to make to pay the remuneration. The Secretary acted with that contention & refused the application dated (26.4.92)

The petition is for appeal & permanent right :—

(1) Section 11 of the Revenue Rules is not true & his claim being decided, though it does not create in petitioners who should be made to the remuneration, yet it is not provided therein that report should not be made to pay it. It was not necessary to mention either the one or the other in the Rule

(2) The election of Mayor and Councillors is an annual one still in force in Municipal Rules. It is only in letter Rules that the word is put up & is a duty of the Secretary Superintendent

(3) The village in question is not settled. There is the custom of paying Secretary & village—

63

(General Serial No. 32.)

(23)

1893.

No. 3192.

Name of Petitioner. Yerriddiya Shanbhag residing at Holalu

Village. Yellaelagere

Taluk. Tumkur

District. Do

Date of Arzl. 2-6-93

Date of Receipt. 2-6-93.

Date of Disposal.

No. of Enclosures. three

ABSTRACT.

Chief Commissioner's No 8721-38 dated 10-1-78 to Deputy Commissioner 12/6

General Records.

Please furnish references quoted above. K.G. 12/6

Transcript of proceedings in matter vide No 8721-38 dt 10.1.78 of Chief Commissioner

K.D. 11/6/93

R43 12/6/93

K 134-92-1

Herri Deputy Commissioner with the consent of the godila that he should get Rama 1 th 3 Kolagas grains from the ryot as remuneration for his service as the Shanbhog of the village But the godidas Greenivachap Yallingam Eeriyappa not willing to pay, filed an appeal suit to the present Deputy Commissioner who decided that the ryots are not be enforced to pay the remuneration

remuneration according to the
14th section of the Revenue Rules,
as it is an inam village.

The petitioner appeals
against this decision of the
present deputy Commissioner
& prays that he may be remunerated
as in the cases of the ~~Ryt~~ Shanbhags
of unmerged government
villages & also as the Amildar
& the then deputy Commissioner
have decided in his favour.

6/16.

Ramathan
6/10

(General Serial No. 30.)

12

1893. 945. OCT. 93

2355

From The Dy Commissioner
Amritsar District

To The Chief Secretary to the
Government of Punjab

L. R. 134-92-3

Dated 4th October 1893.

Despatched

Received

Enclosures No. 4 Record.
in a blank
packet.

General No.

No. 299.

Chief Secretary's Official
Memo: No: 434 of the 21
September 1893

Report on petition
of Gurdaspur Chamaiyan
of the Imam Village of
Ghaekhagera in the Amritsar
District, regarding his claim
to the Chamaiyagiri privileges
the said Village. Returns
the Enclosures together with
the record of the case.

No: 203 13 Tumkur District (5)

Deputy Commissioner's Office

Tumkur 4th October 1923.

To,

The Chief Secretary to the
Government of Mysore

Sir,

With reference to your official Memorandum No: 434 of the 2nd September 1923 forwarding for report with proceedings, petition of the Executive Engineer of the Chan=nagiri Village of Channagere in the Chan=nagiri Taluk appealing against the order of this office, regarding his claim to the Channagiri Bund of the said Village, I have the honor to state as follows:-

2. On appeal, the petitioner has appointed Channagere of the Village in question with the consent of the Inamdars who agreed to pay him

him Brian annually at the rate

1 garam in cash
and from 1/2 to 1
pot of grain from
each Ryot.
Rolage of grain, ex
Sericulture, taxes
out of the produce
of Battayi land.
Rent 2 seer of
dry land seeum.

marginally noted.
At the time was
not paid the
Champagne com-
plained of it
to this office in
May 32. when he
was informed that
he should sue for
it. In April 32 he sued one Srinivas
achar one of the Inamdars and
his cultivator Zaid in the Tumkur
Sub Court the particulars of which
form part of the Petitioner.

3. On the 2nd Respondent pre-
ferred to this office stating that
the Inamdars were responsible for
the payment of grain and not
he a ryot

4. There being no rule to enforce
the

16 (2)

MYSORE DEWAN'S OFFICE.
PETITION DEPARTMENT.
RECD. ... 3192 BR
DATE ... 2-6-93

A.S. 174
92-93

ಸಂಪಾದಕೀಯ ಪುಟ ಲೇಖನಗಳು ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವಲ್ಲ. ಅವು ಲೇಖಕರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯಗಳು. ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಸಂಪಾದಕೀಯ ಲೇಖನಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಬಹುದು. ಸಂಪಾದಕೀಯ ಪುಟ ಲೇಖನಗಳು ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವಲ್ಲ. ಅವು ಲೇಖಕರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯಗಳು. ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಸಂಪಾದಕೀಯ ಲೇಖನಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಬಹುದು.

ಸಂಪಾದಕೀಯ ಪುಟ ಲೇಖನಗಳು ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವಲ್ಲ. ಅವು ಲೇಖಕರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯಗಳು. ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಸಂಪಾದಕೀಯ ಲೇಖನಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಬಹುದು. ಸಂಪಾದಕೀಯ ಪುಟ ಲೇಖನಗಳು ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವಲ್ಲ. ಅವು ಲೇಖಕರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯಗಳು. ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಸಂಪಾದಕೀಯ ಲೇಖನಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಬಹುದು.

ಸಂಪಾದಕೀಯ ಪುಟ ಲೇಖನಗಳು ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವಲ್ಲ. ಅವು ಲೇಖಕರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯಗಳು. ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಸಂಪಾದಕೀಯ ಲೇಖನಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಬಹುದು. ಸಂಪಾದಕೀಯ ಪುಟ ಲೇಖನಗಳು ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವಲ್ಲ. ಅವು ಲೇಖಕರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯಗಳು. ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಸಂಪಾದಕೀಯ ಲೇಖನಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಬಹುದು.

ಸಂಪಾದಕೀಯ ಪುಟ ಲೇಖನಗಳು ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವಲ್ಲ. ಅವು ಲೇಖಕರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯಗಳು. ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಸಂಪಾದಕೀಯ ಲೇಖನಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಬಹುದು. ಸಂಪಾದಕೀಯ ಪುಟ ಲೇಖನಗಳು ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವಲ್ಲ. ಅವು ಲೇಖಕರ ಸ್ವಂತ ಅಭಿಪ್ರಾಯಗಳು. ಪತ್ರಿಕೆಯ ಅಭಿಪ್ರಾಯವನ್ನು ಸಂಪಾದಕೀಯ ಲೇಖನಗಳಲ್ಲಿ ಮಾತ್ರ ಕಾಣಬಹುದು.

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Before the Government of *His Highness* the Maharaja of Mysore.

Petition
~~Appeal~~ No. 5.72 of 1892-93

Appellant. Vs. Respondents

Govindiah, Shanbhog of Inam village Yalachi-Kere, Tumkur Taluk, represented by Mr. Venkataramiah, Advocate.

1. Srinivasachar
2. Siah
represented by Mr. K. Narasimhayangar, Advocate.

Decided 1st & 2nd November 1893

L.R. 134-92-14

Petitioner brought a suit before the Amildar against the 1st Respondent the pujaridar of the village, and 2nd Respondent, the ryot of the village, for the Mêres due to him. The 1st Respondent denied the liability, and the 2nd Respondent stated that he never paid the Mêres, and that if any was due, the 1st Respondent was, responsible under an agreement executed by

by him. The amount being
ascertained that the Rent
was due, adjudged it to
the Appellant and ordered
it to be paid by the
2nd Respondent. But the
Deputy Commissioner can-
celled the decision on
the ground, not that the
Rent was not due, but
that Section 4 of the Land
Revenue Rules is not explic-
it as to who should
pay the Rent, whether
the Guardian or the Agent.
The appeal is against this
order.

According to the es-
tablished usage of the
country, the Rent is
payable by the person who
cultivates the land, the
theory being that it is
payable from the gross
produce

produce before the Court
is divided between the
Landlord and Tenant
this being so, the Deputy
Commissioner will be, re-
quested to say if, how
the 2nd Respondent under
Section 23 of the Land
Purchase Code, if he is
satisfied that the Arrears
claimed is due. If he
is ~~not~~ satisfied that the
Arrears is not due, he is
at liberty to reverse or
modify the decision of
the Auditor on that
ground, subject of
course to an appeal.
If under any agreement
between the 1st and 2nd
Respondents, the 1st Resp.
liable

Submitted
Mr Justice Lavan for the
Deputy Commr.
[illegible]

Reply

22

liable to pay the Mêra, the 2nd is at liberty to recover it from him.

"By order"

Redraft

KA 28/11

Chief Secretary

21 Nov 93

8696

Pet. 4. 6.—93

Copy forwarded to the Deputy Commissioner Sunkur District with the record received with his No. 299 of 4th October 1893.

"By Order"

Redraft.

KA 28/11

Chief Secretary

Copied
Kaj

Compared
KC

Please copy Lent,
Kaj 29/93

Pet. 4

6/1 11

Officers in unsettled villages and in this case there is also the agreement of the Inamdar in 1881.

The question involved is one of law -

Submitted with copy of the Chief Commr's proceedings No. 8721/R.38 & 10. 1-78

References :—

(1). Section VIII of Survey Guarantee printed at page 53 of the Survey Manual -

(2) Order of 24 April 1884 & 27 May 1884 printed at page 65 of the Revenue Manual of 1886.

(3) Order No. 1156/1125 & 27-5-70, page 270 of do

(4) Para 4 of the Cir. of 1843 - page 58 of do

Posted to 16th November 1893.

Section 193 of the Revenue Code authorizes the Collector to levy fees as arrears of revenue.—

I am not sure whether per Chapter IV of the Revenue Code, see 221, Civil Courts entertain suits for recovery of fees connected with Hereditary Offices — If they cannot, a writ will have to be issued under Sec 193.

Matter requires consideration - Let both parties be heard.

R. Chamberlain
11/9/93

1 in Inam villages.

Pet
484

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 3192
dated 2nd June 1893 received at the
Dewan's Office from Govindappa Shanb
of Yalachigere, residing in Kola
Tumkur Taluk, appealing agai
the Tumkur Deputy Commissio
order 926-4-93 regarding
Petitioner's claim to the Shanbho
Inams of the Inam village of Yala
chigere
is forwarded, together with its three
enclosures, to the Deputy Commissi
Tumkur District, for submiss
before
~~on~~ the 5th proximo, of proc
ings with a report on the fact
of the case and on the point
taken in the petition.

2. The petition with the
enclosures should be returned.

A.R. 134-92-2

By Order,

Draft

Chief Secretary.

BANGALORE, 21/22
Sept 1893

S.V. 20/9

22-9-93

M. G. C. P. Bangalore.—21-11-92—3,000.

the payment of Miras by the Ryots of Inam Villages the appeal was allowed.

5. By Section 4 of the Revenue Rules the nomination of the Village Officers in Inam Villages rests with the Inamdars subject to confirma=tion by the Deputy Commissioner. The latter is authorized to fix the scale of remuneration, but no provision is made for the levy of the same.

6. The Enclosures of the Memorandum under reply are herewith returned to=gether with the record of the case.

I have the honor to be,

Sir,

Your most obedient Servant

Deputy Commissioner
Trichur District.

No. 3/92

2-12-93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT, (9)

23 28th November 1893

2-12-

Endorsement granted to Govindappa Shanbhog of Yalachikare, residing in Kolal, Tumkur Taluk

in reply to his Petition Registered No. 3/92 dated 2. 6. 93 appealing against the Tumkur Deputy Commr's order regarding Petitioner's claim to the Shanbhogi Inam

Petitioner is ~~informed that~~ referred to the Deputy Commr to whom orders have been issued

The enclosures are returned.

Cl
27/11/93-5.

L.R. 134-92

Redraft

"By Order"

28/11

for Chief Secretary.

L
27/11

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.